

REMARKS

By this Amendment, Applicants add claim 18. Accordingly, claims 1-18 are pending in this application.

The Restriction Requirement requires election between the following identified groups: Group I, drawn to claims 1-12 reciting a process; and Group II, drawn to claims 13-17 reciting the apparatus for practicing the process. In response to the Restriction Requirement, Applicants provisionally elect Group I, claims 1-12, with traverse.

The Restriction Requirement alleges that restriction is proper under MPEP §806.05(e) because the apparatus as claimed may be used for a materially different process such as "forming a magnetic recording medium without a plurality of grooves to provide portioned recording elements" (Restriction Requirement p. 2). However, Applicants respectfully submit that the Restriction Requirement has failed to suggest a materially different process that may be performed by the apparatus of claims 13-17 as required by MPEP §806.05(e).

Claim 13 recites a production apparatus for a recording apparatus comprising a recording layer device that "portions said continuous recording layer into a plurality of partitioned recording elements." Thus, the apparatus of Group II is not capable of forming a magnetic recording medium without a plurality of grooves to provide portioned recording elements as alleged by the Restriction Requirement. The Restriction Requirement's argument fails to give patentable weight to the explicit recording layer processing device feature of claim 13.

Because the Restriction Requirement has failed to suggest a materially different process that may be performed by the apparatus of claims 13-17 as required by MPEP §806.05(e), the Restriction Requirement is improper. Applicants respectfully request withdrawal of the Requirement and prompt and favorable consideration of pending claims 1-18.

Furthermore, by this Amendment, Applicants add claim 18, which is a generic claim under MPEP §806.05(e) and must be examined with provisionally elected Group I.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: October 18, 2005

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